

**North Carolina Wireless 911 Board
MINUTES
November 9, 2007**

<u>Members Present</u>	<u>Staff Present</u>	<u>Guest</u>
Wayne Bowers (NCLM)	Ron Adams (ITS)	Anthony Allen (NCACC)
Robert Cherry (Tarboro Police Chief)	Richard Bradford (DOJ)	David Appel (Intrado)
Alan Cloninger (Gaston County Sheriff)	Marsha Tapler (ITS)	Valerie Carter (ITS)
Dave Corn (Yadkin Valley Telephone)	Richard Taylor (ITS)	Belinda Gurkins (Embarq)
Christi Derreberry (Sprint/Nextel) [attending by phone]		David Gold (Intrado)
David Dodd (NCAPCO)		Roylin Hammond (Scotland County)
Joe Durham (NCACC)		Topper Hightower (AT&T)
Anand Gandhi (VZW) [attending by phone]		Michelle Littlejohn (CMPD)
Jerry Jones (AT&T)		James McLeod (Embarq)
Wesley Reid (NCNENA)		Kevin Medlin (Orange Co Emer Serv)
Slayton Stewart (Carolina West Wireless)		Karlyn O'Shaughnessy (NCGA)
Steve Stoneman (ITS)		Kevin Patterson (Scotland County)
Bill Willis (Deputy NC CIO)		Tonya Pearce (NCNENA)
<u>Members Absent</u>	<u>Staff Absent</u>	Glenn Roach (Intrado)
Bill Craigle (Alltel)		Marsha Withrow (Charlotte Fire)
		Donna Wright (Richmond Co 911)

Chair's Welcoming Remarks:

Chairman Steve Stoneman opened the meeting at 9:58 AM with an announcement that pursuant to internal organizational changes at ITS, State CIO George Bakolia has named Deputy CIO Bill Willis as his designee to chair the Board. Mr. Stoneman added that it has been a great honor for him to serve as the Board's Chair, and a pleasure to be part of this incredibly talented, dedicated team over the last three years. He

expressed his thanks to all, saying that it has been an incredible experience and a great journey for him, during which many positive things have been accomplished. He added that he especially wanted to thank Richard Taylor, observing that Richard is one of the best in his field across the country, and noting that very few people know the industry and the issues, from both the Federal and State standpoints, as well as Mr. Taylor. He also thanked Richard Bradford for his similar expertise in these areas from a legal perspective. Mr. Stoneman concluded his remarks with the observation that the Board faces lots of new challenges, and that a fresh look at them with Mr. Willis as Chair is bound to be a good thing. He assured the Board he will stay in touch, and with that said, turned the meeting over to Mr. Willis.

Chairman Willis wished everyone a good morning, and thanked them for attending the meeting. He observed that although he is not expert in 911 activities, he has been around networks and telephone companies for a very long time. He said that one of the first rules he asks people he works with to abide by is that they are to tell him when he says something stupid. He said he would like that to apply here, too; if Board members think he is going down a wrong path, he expects one of their first responsibilities to be bringing that to his attention, either during a meeting or after. He feels that people who are involved saying what they think is very important to getting things right.

Having arrived after Steve Stoneman's remarks, Joe Durham asked Chairman Willis to explain why Mr. Stoneman was being replaced as Chair. Chairman Willis replied that there is really very little to understand; [State CIO] George Bakolia decided that with the imminent change in the Board, the new members coming in, and some of the challenges facing the new Board, as well as some of the new internal challenges at ITS, Mr. Bakolia wanted Mr. Willis to chair the Board. Chairman Willis continued with additional detail about how internal changes at ITS had contributed to the decision.

Mr. Durham thanked Chairman Willis for the explanation, adding that he simply wanted to understand the process and suspected that other Board members and the public might benefit from the explanation as well. Chairman Willis summarized that it is very simply a discretionary move by the State CIO, who has the responsibility to chair or designate the Chair of this body. He then stated he did not know how a Vice Chair is selected, and asked Richard Bradford for clarification. Mr. Bradford said that has been done by a vote in the past based upon Policies and Procedures adopted by the Board. Chairman Willis said he understood that Mr. Durham was currently the Vice Chair; Mr. Durham said that he was. Chairman Willis said that given the Board's current standing, and given that the structure of the Board is going to change in January with the addition of a number of new Board members and a change of scope under the law of what the Board is responsible for, it would please him if Mr. Durham would continue to serve as Vice Chair until the new Board is in place. Then that new Board will execute process to determine who is to fill that role going forward. Mr. Durham said he would be happy to do that.

Ethics Awareness/Conflict of Interest Statement:

Chairman Willis read the Conflict Of Interest Statement and asked if anyone wished to note any potential conflicts. None were cited.

Before proceeding with the meeting, Chairman Willis introduced Gaston County Sheriff Alan Cloninger as the newest member of the Board, and invited him to share a little about himself. Sheriff Cloninger said he is a life-long resident of Gaston County, has retired status from the Rescue Squad and the rescue squad system, and was a police officer for Gaston County Police and Dallas Police for seven years. He graduated from Gaston College, UNC Charlotte, and Campbell School of Law. He practiced law after he left law enforcement as an Assistant D.A., and did defense work, including capital murder cases, until he left to become Jail Administrator under Sheriff Russell. Sheriff Russell developed health problems which led to his retirement, and Sheriff Cloninger was appointed to replace him. Chairman Willis thanked him and welcomed him to the Board, noting that it felt a little odd to be welcoming someone else, since today was his first day, too.

Chairman Willis then took the opportunity to outline his preferences for the conduct of Board meetings. He said that he is pleased to welcome all attendees to these meetings, including those both on and off of the Board. He observed these are public meetings, and that he is one State official who wholeheartedly believes in appropriate public meetings, so all are welcome here. He added, however, that the discussion that goes on in normal conduct at these meetings will be restricted to Board members. He pointed out that these meetings do not have public comment sessions; they are not intended for that. Most of the public attendees are represented by somebody on the Board in one way or the other, and if someone wishes to have an item placed on the agenda to present to the Board, they may do so. He said such requests need to be brought to the Board either by one of the Board members or by contacting Richard Taylor or Chairman Willis directly. There is not an open agenda topic for those in attendance not on the Board. Requests to be placed on the agenda should be submitted no later than two weeks before an upcoming Board meeting so that the Board and staff can consider it and be prepared for that topic at that meeting. Chairman Willis said this is to ensure that when an item requires a vote by the Board there is enough time for appropriate consideration both by staff and by the Board before the vote. He added that as items are brought before the Board, it will be up to the discretion of the Board to determine how they get reviewed and discussed. In some cases Board members may be perfectly comfortable in asking staff to review issues and present staff recommendations. In other cases Board members may not be comfortable with such an approach, in which case Chairman Willis is perfectly willing to create a sub-committee or sub-group of people to look at those issues and bring recommendations back to the Board. The whole idea is to ensure things are fully considered before anyone is asked to make a decision coming to the table.

Chairman Willis reminded everyone that the work of this Board is important, adding that he assumes everyone is aware of this by virtue of their willingness to give of their time. He added, however, that if a Board member no longer believes that, and/or begins not to participate, once that member misses three consecutive meetings, staff will go back to the appointing authority and ask for that member to be replaced. He said that for this process to work, and for the Board to meet the requirements asked of it, active participation is simply a necessity. Mentioning that he serves on five or six Boards similar to this one, he asserted that if a day comes when he begins to take one of them less than seriously, that will be the day he needs to resign from that Board.

Approval of minutes

Chairman Willis asked if anyone wished to make changes or additions to the minutes of the September 28, 2007 Wireless Board meeting. Richard Taylor noted that Wayne Bowers had suggested inclusion of the adjournment time in the minutes, and that had been done. Joe Durham moved the minutes be approved as submitted, Wayne Bowers seconded, and the motion carried.

Before moving to the next agenda item, Wayne Bowers asked Richard Taylor to speak about the Pitt County agenda item tabled at the last meeting. Richard reminded everyone that Pitt County had requested a waiver of the Board approved four year cycle for orthophotography updates using wireless 911 funds; they wanted to perform the updates on a three year cycle. Just before that agenda item came up at the last meeting, Wayne Bowers had received a telephone call requesting it be tabled, to which the Board agreed. Richard reported that since that meeting he has received a letter from Pitt County indicating that they no longer wish to pursue the waiver.

Discussion of Katrina Order and the Impact on CMRS Cost Recovery

Richard Taylor briefly summarized both the creation and activities of the Katrina Panel formed to address lessons learned from Hurricane Katrina, noting that on October 4, 2007, the FCC issued an Order on Reconsideration affirming its June 2007 *Katrina Panel Order* requiring LECs, ILECs, and CMRS providers to supply an emergency backup power source for all assets that are normally powered by local AC commercial power. He reminded everyone that in the past at least one CMRS provider had requested payment for generators in the cost recovery plan it had submitted to this Board, and that the request had been denied. He pointed out that there are some qualifications regarding the rule, such as whether a carrier is a nationwide carrier or a non-nationwide carrier. He then asked Richard Bradford to comment on what potential impact the order may have on cost recovery in North Carolina.

Mr. Bradford observed that the rule is not recommended; it is required, at least of certain providers. He also reminded everyone that, for purposes of cost recovery, 62A requires that we follow the FCC Order, noting that this is, in effect, an amendment to the Order. It is a new rule, and therefore, for such costs as qualify under this paragraph, they should be reimbursable through the CMRS portion of the fund, at least as the current fund is constituted.

Richard Taylor noted that the projected cost for reimbursement to the CMRS provider whose cost recovery plan he alluded to earlier was over \$1.5 million, adding that the provider is a small provider operating in about a two county area. He said he brought up this example to illustrate the potential impact such cost recovery could have on the CMRS fund as it sits today if all of our carriers request reimbursement.

Anand Gandhi asked if this would potentially apply to all cell sites for all carriers across North Carolina. Richard Bradford replied that he thought the answer was "not necessarily for all," as the rule doesn't apply to "all" but does apply to "some". He observed that he thinks the Board may have a further policy question as to whether it wants to extend this same kind of cost recovery to carriers that may not fall within the

rule's definition. He said the rule really speaks to large carriers, so there are probably some Tier III carriers that may not qualify. Richard Taylor said he believes carriers with 500k or fewer subscribers are not required to observe the rule. He added that despite that, the larger carriers within our fund would certainly be eligible, and they would have a larger cost.

Chairman Willis asked if there is a potential for a carrier to request reimbursement for a previous investment in backup power. Richard Bradford replied that as the rule didn't apply then, they could certainly ask, but the Board could deny the request on that basis. Chairman Willis then asked if we have the data necessary to assess the exposure to the fund financially with respect to this rule. Richard Taylor replied that the only data he had was for the rural carrier he alluded to earlier, whom he believed had less than forty sites. Chairman Willis said that he assumed we do not know how many cell sites in North Carolina presently have backup power and how many do not, and Richard Taylor concurred. Christi Derreberry said that information is easily gained; that the carrier she represents has an ongoing program to do that. All that would need to be worked out is the appropriate way to request it. Chairman Willis observed that given this exposure, we need to understand how many sites potentially would require backup power and how many would be eligible for reimbursement under this new rule, and asked Richard Taylor how we might go about collecting this information.

Mr. Taylor asked Ms. Derreberry whom he should contact within her organization, and she volunteered to contact their engineering department to get their data. She observed that Sprint/Nextel usually works through county or city emergency management departments to coordinate placement of backup power to sites that would be critical in an emergency response, but not all sites. Anand Gandhi said that, as he is in engineering for Verizon, he could also get such data, but added that their initiative is to provide backup power to all sites.

Chairman Willis then observed that it would appear we would need to know which carrier the emergency services in each area uses, as he gets the impression the backup power is required only for carriers who are being used by emergency or response services in that particular area. Sheriff Cloninger said that wouldn't be limited, citing volunteer fires departments and how widespread their members are. He said that from what he has learned listening to this discussion, he sees the purpose of the rule as ensuring communications during power outages. Richard Bradford responded that the rule only applies to carriers.

Wayne Bowers pointed out that regardless of the exposure to the fund, it was his impression that if the rule required reimbursement to qualified providers, we would have to provide it. Richard Bradford agreed, but added that understanding the exposure would allow the Board to determine whether or not it wished to discretionarily extend the reimbursements to the smaller carriers.

Chairman Willis said that it was apparent a vote on this issue would be premature, as there is far more to understand. He asked Richard Bradford to prepare an interpretation of the rule for the Board in layman's terms to help members understand what they may appropriately be doing or not doing. He asked Richard Taylor to prepare a plan to gather information about how many sites will potentially require reimbursement as well

as other sites that the Board may wish to reimburse at its discretion. As other questions and discussion ensued, Chairman Willis underscored that it would be premature to attempt to answer them before these tasks were completed.

Christi Derreberry told Richard Bradford she didn't understand the connection between the Katrina Panel order and the wireless fund, i.e. why the backup power costs should be reimbursable from the fund, and asked him to explain that connection. He replied that it was because this would be an eligible expense under the law for CMRS carriers. He said the rule results in a change to what's eligible.

Jerry Jones pointed out that CMRS carriers provide data transmission capability to emergency response agencies as well as voice connectivity. Christi Derreberry concurred, adding that the question of whether or not this rule applies to response is an important distinction to understand. With that, Chairman Willis observed that little would be gained by further discussion of this topic at this time, and suggested the Board move on to the next agenda item.

Appeal by Scotland County regarding 2005-2006 Revenue Expenditure Report

Roylin Hammond, Emergency Services Director for Scotland County addressed the Board regarding the FY2005-2006 Wireless 911 Board PSAP Revenue/Expenditure Report submitted by Scotland County. Expenditures applied to the City of Laurinburg PSAP (Laurinburg PD) on that report had been denied by staff because the County had never gone through the process of certifying that PSAP as a Wireless Primary PSAP, rendering it ineligible to receive wireless 911 funding.

Mr. Hammond explained that Scotland County began implementation of a wireline 911 system in the late 1980s. It was a countywide system administered and funded by the County, including a PSAP serving the City of Laurinburg (Laurinburg PD) and one serving the entire county (the EMS PSAP). When the wireless 911 legislation was passed, the County only declared the EMS PSAP as a Wireless Primary PSAP. They viewed their system as one single system, and not realizing that Wireless Primary PSAP designation was PSAP specific, thought they were allowed to use wireless funds for all PSAPs within the system. They did not make site specific claims on their Wireless 911 Board PSAP Revenue/Expenditure Reports until they implemented Phase II wireless in FY 2005-2006, and only when the claims for the Laurinburg PSAP were denied did they realize their misunderstanding.

Mr. Hammond acknowledged that "ignorance is not an excuse, and we appreciate that", adding that he was here today to ask the Board if it could provide some leeway and allow wireless funds to be used for the implementation of Phase II at the Laurinburg PSAP. He pointed out that they treat both PSAPs identically; every time something is upgraded at one, it is upgraded at the other as well. He observed that "by the letter of the law and the letter of the statute, we acknowledge we were wrong, that we did not do what we were supposed to do", noting, however, that he felt they had lived up to the spirit of providing 911, both wireline and wireless, for all their constituents. He added that they were not asking to use the money for anything but to pay for the wireless equipment purchased to put in the Laurinburg PSAP, and offered to field any questions the Board might have.

Chairman Willis asked if an application for Primary PSAP status for the Laurinburg PSAP has been made since the issue surfaced, and Mr. Hammond said yes, that it was on the agenda later in the meeting. Several Board members posed questions about the agreement between the County and the City regarding the use of funds, whether written or not, as well as the fact that the disputed funds have already been distributed to the County, i.e. additional funds are not being requested. Chairman Willis asked Richard Bradford if the Board has the ability to provide a ruling on this issue, and Mr. Bradford said it did. He explained that this is not addressed in the Statute, but was established by the Board in its Policies and Procedures as a way to identify what PSAPs were eligible to receive funds. He said a fundamental principle of Administrative Law is that Boards, Commissions, even Courts that have rule making ability also have the ability to waive those rules or to make exceptions from those rules. He continued by observing that Policies and Procedures are not Administrative Rules, but they are the governing principles that the Board has used, so in his opinion the Board does have the ability to grant the waiver in whole or in part if it chooses to do so.

Chairman Willis asked Richard Taylor if he had a staff recommendation, and Mr. Taylor replied that the staff recommendation, based on the existing Policies and Procedures, had not changed from its original stance of denying the expenditures. He added that if the Board wants to reverse the staff decision, staff certainly has no problem with that, but until then, staff must base its decision on the Policies and Procedures that the Board has been operating under for the last eight and a half years.

Joe Durham asked what amount of money is in question, and Richard Taylor noted that in the spread sheet Mr. Hammond had provided staff prior to the meeting, the total amount requested in FY 2005-2006 appeared to be approximately \$43k. Mr. Hammond said that did not include the 50% of service fees allocated as wireless expenses. Mr. Durham asked Mr. Hammond if there is an agreement in place between Laurinburg and Scotland County in terms of providing funding for their PSAP. Mr. Hammond replied the only documentation is a resolution by the City in 1989 to support the County's effort to provide 911 service, which was only wireline at that time, and a County resolution at the same time to provide it. Mr. Durham then asked if there is a joint planning effort between Laurinburg PD and Scotland County Emergency Management, EMS, or Finance regarding capital expenditures or operating expenditures associated with wireless or wireline 911. Mr. Hammond replied there was not. Mr. Durham then said that they are spending money on both the City and the County, and Mr. Hammond concurred. Chairman Willis asked if there were further questions from Board members for Mr. Hammond, and hearing none thanked Mr. Hammond for his presentation. Chairman Willis then opened the floor to discussion.

Wayne Bowers asked if the staff recommendation for granting wireless Primary PSAP status to Laurinburg PD in Agenda Item 9 later in the meeting would favor the request, and Richard Taylor replied it would. Mr. Bowers then observed that there would be no question from that point forward; the question now is simply whether or not to allow the status to be retroactive to FY2005-2006. Mr. Taylor replied that was correct. Chairman Willis observed that since there will be similar expenditures during FY2006-2007, a decision on 05-06 will effectively be one for 06-07 as well.

Mr. Durham made a motion to approve Scotland County's appeal, noting that by accepting it the Board will effectively enact a policy change for how the Board handles similar appeals going forward. Wesley Reid seconded the motion. Chairman Willis observed that setting rules by exception is not a good precedent to establish, and saying that he wanted to be sure he understood Mr. Durham's motion, stated he believed he heard a motion to find in favor of the appeal for Scotland County and allow them to spend the money for 05-06 and not have to reimburse their fund. Mr. Durham said that was correct. Chairman Willis then clearly noted that 06-07 is not on the table for this motion.

Wayne Bowers noted that in the agenda packet documentation some of Scotland County's 05-06 expenditures were denied because they were ineligible, not because they were for Laurinburg, and said that he assumed Mr. Durham's motion only applied to those expenditures that were eligible under law. Mr. Durham said that was correct. Mr. Bowers then said that as a technical matter, since Laurinburg PD will not be certified as a wireless Primary PSAP until later in this meeting, he would have to vote against the motion because we would essentially be granting funds to a non-recognized PSAP. Chairman Willis said that was exactly his point. He said that if we make this decision based upon the fact that they are going to be recognized later in the meeting, then we are saying that a PSAP can become recognized and then expect approval of expenditures dating from before it was recognized.

Mr. Durham interjected that although Scotland County may not have a written agreement with Laurinburg PD, they have an agreement nonetheless. He said that is the overwhelming issue for him; they are providing a service and the costs are eligible costs, regardless of whether or not they are a recognized PSAP. Wesley Reid said that as the second to the motion, he concurred with Mr. Durham regarding the verbal agreement. Richard Taylor noted that staff had requested a written MOU, and had there been one, this problem wouldn't have arisen. He pointed out that in other counties with multiple Primary PSAPs, such as Granville County and Burke County, the County does have written MOUs with the PSAPs they provide financing for. Chairman Willis asked if we have previously denied arrangements like this because of a lack of written documentation. Mr. Taylor replied this is the first time it has ever come up.

Slayton Stewart expressed concern about the precedent this would set, and whether it could potentially jeopardize the fund. Mr. Durham responded that this money has already been distributed and spent, and he doesn't see any way this would jeopardize the fund. Chairman Willis echoed Mr. Stewart's concern about the precedent, observing that guidelines and rules as this Board sets them down are important.

Chairman Willis called the motion, and the vote was split in favor of the motion 6/3 with Jerry Jones and Sheriff Cloninger abstaining. Those voting in favor were Dave Corn, Christi Derreberry, David Dodd, Joe Durham, Anand Gandhi, and Wesley Reid. Those opposed were Wayne Bowers, Robert Cherry, and Slayton Stewart.

Legislative Update

Reviewing the discussion at the last Board meeting regarding the transition to the new Board and plans to offer presentations to finance officers and other stakeholders to help

them understand the mechanics of the new legislation, Richard Taylor said that as more and more questions arose, they took a turn toward seeking legal advice rather than simply understanding the language. By virtue of that, Richard Bradford advised staff to forego offering such presentations until after the new Board meets in January and some of the questions can be addressed by the Board. Mr. Taylor said that there had been some questions that were important enough to be addressed by Board counsel, and had been forwarded to Richard Bradford for assistance. Mr. Bradford said that some of those questions had already been mentioned in prior meetings; the most recent one came from UNC Chapel Hill Office of Public Safety. It is the only university campus that has a PSAP that is receiving wireless funds. They are concerned about presently being able to use money outside of the Board's approved shared resource allocation. They also have come to realize, after discussion with University counsel, that they are not included in the new legislation, despite having been recognized by this Board as a wireless Primary PSAP.

Wesley Reid expressed concern that entities that have been supporting secondary PSAPs with their wireline revenue will not be able to do so under the new legislation because it requires distribution only to Primary PSAPs. Chairman Willis asked Richard Bradford if it was not correct that the new Board would use the same set of rules as this one, and that the only change would be oversight of wireline expenditures. Mr. Bradford said that was not necessarily so. David Dodd asked if the definition of Primary PSAP still applies, that it has to be the first point of reception of the call, and Mr. Bradford said that was true. Mr. Reid said that was the point he was trying to make; it is why he is concerned for the secondary PSAPs.

Chairman Willis observed that this illustrates the problems the new Board will face, and that it is going to have to establish and adhere to rules if it hopes to avoid spending a great deal of time addressing exceptions. He added that the process will not be clear, nor will it be easy. He summarized the topic by saying that staff will postpone any legislative updates or briefings until after the Board meets in January and begins discussions and work on rules so that more information can be offered.

Joe Durham expressed concern that cities and counties need to understand the legislation's impact on them before January 1, and can't afford to wait for several Board meetings to take place to establish rules and policies and procedures. He said he still contends that some information should be offered to local governments addressing "at least, basic types of things" as far as the transition is concerned. Chairman Willis replied that he would like to suggest that the staff work on a set of working rules that will be used during the first quarter of 2008 to allow the Board to move forward and operate. He observed that a significant change to this Board is going to take place in January; there will be many new people involved and the Board's focus will be significantly different. He speculated that for us to assume that we are going to immediately produce rules at the January meeting that allow us to move forward is unrealistic, so having a transitional working set of rules is imperative.

Wayne Bowers agreed that was necessary, but offered that he thought the key thing for the local governments would be the flow of money. Richard Bradford asked if we could back up before discussing the money issue. He reminded everyone that the current policies and procedures, all the decisions that have been made by the Wireless 911

Board, flow through to the new Board. So everything that is currently in place will remain in place in terms of the new Board. He acknowledged that obviously doesn't include the wireline aspect, but speculated that staff may come back with additional information that looks very similar to what the Board currently has. Chairman Willis asked if Mr. Bradford meant that in terms of existing policies with respect to wire/less money, the staff is likely to propose that the current policies and procedures remain in effect until the new Board sees fit to make changes to them. Mr. Bradford agreed. Chairman Willis then said that meanwhile we are not going to hold informational meetings or preach new rules or legislative updates until the new Board is constituted.

Mr. Durham came back to the issue of wanting to know how the new legislation will impact local governments. He said that assuming, hypothetically, he was a local government person not on this Board who had read the legislation, he would still want more information about how it will impact him and what will happen in the future. Chairman Willis said the answer to that question is that with respect to wireless money, it stays the same until the new Board changes it. Mr. Durham then asked if there shouldn't be communication that goes out to the local governments and PSAPs as to "that". Chairman Willis then asked Richard Taylor to work with Richard Bradford to compose a written communication to those affected by this funding stream to the effect that we continue to follow current and existing policy until the new Board is in place and "sets up whatever it may set up."

2008 Meeting Dates

Richard Taylor reported that no one had contacted him since the last Board meeting to indicate any conflicts with the 2008 meeting dates he proposed at that meeting. He also reported that the conference room at the Governor's Crime Commission is being remodeled, and won't be available until February 1, so he was searching for a venue. Joe Durham said that he was sure he could find a suitable space, and asked Mr. Taylor to confer with him after the meeting to discuss the details. Chairman Willis asked for a motion to approve the proposed dates. Wayne Bowers so moved, Joe Durham seconded, and the motion carried.

Primary PSAP Certification for Laurinburg PD and Murfreesboro PD

Chairman Willis asked Richard Taylor for a staff recommendation regarding certification of Laurinburg Police Department and Murfreesboro Police Department as Primary PSAPs. Mr. Taylor said the staff recommendation was to approve both. Joe Durham opened discussion by saying that he thinks there are already too many PSAPs in the state, and that large numbers of PSAPs do not offer any benefit to citizens of the State. While he acknowledged that he was sure both of these agencies feel that they provide the best possible service to citizens within their jurisdictions, he doesn't feel that multiple PSAPs offer the most efficient use of taxpayers' money. Sheriff Cloninger asked why there are so many PSAPs, and Richard Taylor responded that it was typically due to political pressures. He added that up to now no studies have been done to accurately assess the cost of providing 911 in the State, and that he expects that data collected in the Comprehensive Statewide 911 Plan project may suggest where potential exists to improve efficiency, possibly through PSAP consolidations.

Chairman Willis acknowledged that from a business management standpoint Mr. Durham's stance makes sense; that political winds blowing on many small jurisdictions are bound to result in a greater likelihood that people and problems will get lost in the system than they would in a more politically neutral, centrally managed model. He asked Board members, however, if they felt this was the time and place to be addressing the problem of multiple PSAPs, or if that issue might be better studied at a later date. Wayne Bowers observed that these PSAPs have met the requirements currently in effect to become Primary PSAPs, and Mr. Taylor agreed that they had. Wesley Reid asked if the issue could be tabled until the new Board issues rules, as he wanted to consult with the NENA board before making a decision. Slayton Stewart made a motion to table the issue, and Wesley Reid seconded.

Chairman Willis reminded everyone that the Board had just recognized, with an appeal, and a clear exception to the Board's own rules, that the safety of citizens of Laurinburg was served by allowing wireless funds to be spent on the Laurinburg PSAP as if it had Primary PSAP certification. He intimated that if we suspend discussion of Primary PSAP certification by tabling this question, then we essentially negate that decision by putting Scotland County in the position of having to come back next year to request another funding exception for money that has been spent on the Laurinburg PSAP during the 2006-2007 and 2007-2008 budget year. He asked Board members to think about that.

Joe Durham said that since Scotland County has already spent that money, they shouldn't have future problems once they get an MOU in place with Laurinburg. He intimated that he thought limiting the number of PSAPs was more important than approving this request for Primary PSAP status. Chairman Willis reiterated that he did not disagree that the number of PSAPs issue was a valid one, but that he did disagree that this proceeding was the proper forum for dealing with it. Wayne Bowers concurred, also reiterating that these two PSAPs meet the requirements under the law, and should not be penalized because of the larger issue. Sheriff Cloninger asked what the harm would be to Laurinburg and Murfreesboro in waiting two months. Chairman Willis responded that he felt nothing would be different in January than it is now; that there will not be an answer to the multiple PSAP controversy then, and that, in fact, the Comprehensive Statewide Plan project that has just kicked off is probably going to provide useful information about the topic, but completion of that project is much further out. He suggested that turning today's Primary PSAP certification requests into a statement about multiple PSAPs before there is any hard data to analyze may be sending the wrong message. Wesley Reid said he wanted to be clear that he has nothing against Murfreesboro or Laurinburg, and did not suggest tabling the issue to penalize them, only to allow the Board to try to gain a better understanding of the issue. Chairman Willis acknowledged that, and said that he didn't believe anyone interpreted it differently.

Chairman Willis called the motion, which was to table further discussion of Laurinburg's and Murfreesboro's requests for wireless Primary PSAP certification. The audible vote was too close to call, so he requested a show of hands. Slayton Stewart, Sheriff Cloninger, Joe Durham, and Wesley Reid voted aye; Wayne Bowers, Chief Cherry, Dave Corn, and David Dodd voted nay; Jerry Jones abstained. The two teleconference participants were polled; Anand Gandhi voted aye while Christi Derreberry voted nay. With a tie vote of five for passage and five against passage of the motion, Chairman

Willis had to cast a vote to break the tie. He voted against passage, and the motion failed.

Wayne Bowers made a motion to approve the staff recommendation to grant Laurinburg's and Murfreesboro's requests for wireless Primary PSAP certification, and Dave Corn seconded. Again the audible vote was too close to call. A show of hands was again called. Slayton Stewart, Sheriff Cloninger, Joe Durham, and Wesley Reid voted against passage; Wayne Bowers, Chief Cherry, Dave Corn, and David Dodd voted for passage, Jerry Jones abstained. The two teleconference participants were again polled, and both Anand Gandhi and Christi Derreberry voted for passage, so the motion carried with a 6/4 vote.

Introduction of the Comprehensive Statewide 911 Plan Team

Chairman Willis invited the Intrado team to make its presentation, and Project Manager David Gold, Senior Consultant with Intrado, took the floor. He introduced Intrado colleagues Glenn Roach, Director of Consulting, Systems Integration Group, and Dave Appel, Director of Solutions Services, also members of the team. Mr. Gold offered the Board an overview of the approach the team will be following during the Comprehensive Statewide 911 Plan project, illustrating with a brief slide presentation. He touched on the mission, goals and objectives of the plan, observing that this plan will provide the status of the current 911 system in the State of North Carolina; a benchmark against which potential improvements and the effect of the plan over a three and a five year period could be measured. He discussed the various stakeholders and their roles, with the citizens of North Carolina leading the list. He outlined critical success factors, from analyzing the current status of 911 in North Carolina to preparing the State for next generation 911 (NG911), including providing criteria which will allow good, fact based decision making about things such as the multiple PSAPs issue discussed previously. He also examined some of the challenges facing 911, both nationally and statewide, from funding models to examining disparate views of NG911.

Mr. Gold continued with an outline of how the data collection effort will be implemented, from initial telephone surveys to in-depth onsite visits. He spoke about how a GIS subject matter expert will be assessing North Carolina geographic information resources with an eye toward streamlining uniform GIS data access throughout the State. He added they will have a telecomm carrier analyst examining capabilities and tariffs. A government affairs specialist will be examining compliance with both FCC and North Carolina laws. All of this information will be provided to a next generation architect who will postulate where 911 in North Carolina can be through a three and a five year plan; a plan for how to get from where we are now to where we need to be. Mr. Gold concluded by saying how excited Intrado is to be involved in creating this statewide plan, and offered to field any questions.

Sheriff Cloninger asked if the government affairs specialist will be addressing "turf issues" such as those that drive the multiple PSAP controversy. Mr. Gold replied that they will not be making those types of decisions; that they will be providing criteria that will enable the appropriate authorities to make informed decisions. Dave Corn asked when the final report is expected, and Mr. Gold told him it was July 16.

Chairman Willis thanked Mr. Gold for his presentation, adding that he looks forward to seeing the results of the study and learning more about it. He then said he was going to table items 11 and 12 on the agenda at the discretion of the Chair, and would address each at a later date.

Scheduling for Board of Ethics Training

Chairman Willis encouraged all Board members to schedule their mandatory Board of Ethics training. Richard Taylor mentioned that he had sent out an email a couple of days ago with a schedule, but has only received four responses. He observed that it is a requirement for serving on the Board, and December 31 is the deadline, so it is imperative that everyone sign up and receive the training. He said it is being offered on the Information Highway, so travel only involves going to the nearest community college. Chairman Willis acknowledged that everyone is busy, but noted that the only reason for avoiding the training is the potential for embarrassment.

Findings of the State Ethics Commission for Sheriff Alan Cloninger

Chairman Willis observed that everyone who serves on this Board will have a potential for conflict of interest by virtue of whom they represent, which was the finding of the Board of Ethics for Sheriff Cloninger. That does not prevent people from serving on the Board, as they are expected to acknowledge such conflicts when they do arise.

Adjournment

Chairman Willis tabled items 15 and 16 on the agenda at the discretion of the Chair, and noting that item 17 was on the website, said that unless there were any questions about the information in item 17 he would entertain a motion to adjourn. Joe Durham so moved, Slayton Stewart seconded, and the motion carried. The meeting adjourned at 12:16 PM.